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OFFICE OF PETITIONS

In re Application of :
Tsutomu Watanabe :
Application No. 10/664,488 :
Filed: September 17, 2003 : ON PETITION
Attorney Docket No.: :
39303204.1000 :

This is a decision on the Petition in Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed May 20, 2005, requesting the above-identified application be accorded a filing date of September 17, 2003, including pages 1-3 of the specification.

The application was filed on September 14, 2004. On May 12, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, pages 1-3 of the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that pages 1-3 of the specification were originally filed with the application on September 17, 2003, and was received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, 30 pages of specification, (including 8 claims and 1-page abstract), in the above-identified application by this Office on September 17, 2003.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 30 pages of specification, (including 8 claims and 1-page abstract), in the above-identified application by this Office on September 17, 2003.

Moreover, a review of the application file reveals that 30 pages of specification, (including 8 claims and 1-page abstract), were received in the above-identified application by this Office on September 17, 2003.

In view of the above, the petition is granted.

The Notice, mailed May 12, 2005, was mailed in error and is hereby withdrawn.

The petition fee has been refunded to deposit account 03-1952.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of September 17, 2003, and an indication that 30 pages of specification, (including 8 claims and 1-page abstract) were present on filing, using pages 1-3 of the specification filed on September 17, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods

Petitions Attorney
Office of Petitions